IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5102 of 2006
Date of Decision: 19.3.2007

M/s Narang Leasing and Finance ...Appellant

Versus

Smt. Sukhi and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri J.P. Sharma, Advocate, for the appellant.

HEMANT GUPTA, J.

The challenge in the present appeal is to the award dated 3.5.2006, whereby the appellant along with driver of the vehicle and the hirer of the vehicle were held jointly and severally liable to pay compensation to the claimants on account of the death of Gopal Singh.

Learned counsel for the appellant has vehemently argued that the appellant is the financier, who has entered into hire purchase agreement with the registered owner of the vehicle i.e. Ram Singh and therefore, the appellant cannot be made liable for payment of compensation. Reference is made to the registration certificate Exhibit R.4, which reflects Ram Singh as the owner of the vehicle.

However, I do not find any merit in the argument raised by the learned counsel for the appellant for the reason that in the registration certificate Exhibit R.4, there is an endorsement to the effect that the vehicle is under hire purchase agreement with the present appellant. The hire purchase agreement has been produced on record as Exhibit R.6. In

terms of the said agreement, it is apparent that the appellant is reflected as the owner of the vehicle with fittings, tools and accessories. Therefore, in terms of the said agreement, the appellant along with driver and hirer of the vehicle, has been rightly held jointly and severally liable to make payment of compensation to the claimants.

Thus, I do not find any patent illegality or irregularity in the award passed by the learned Motor Accident Claims Tribunal, which may warrant interference by this Court in the present appeal.

Dismissed.

19-03-2007 (HEMANT GUPTA)
ds JUDGE